REMARKS

None of the claims have been amended or cancelled and claims 1-39 and 41-51 are pending. Claims 9-15, 24-29, 34-39, 41-47 and 50 are withdrawn from consideration. Claims 1, 9, 16, 24, 30, 34, 39, 44, 46, 48, 50 and 51 are the independent claims. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1-7, 16-22, 48, and 49 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al (U.S. Patent No. 6,738,561) in view of Pinder et al (U.S. Patent No. 6,219,358).

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a recording medium including data reproduced by a recording and/or reproducing apparatus, the data comprising, amongst other novel features, data packs designated to store additional data related to the audio data, wherein at least one of the data packs does not include the additional data. Applicants respectfully assert that the combination of Tanaka and Pinder fails to disclose each of these features.

The Office Action recognizes that Tanaka fails to teach the feature of "wherein at least one of the data packs does not include the additional data," and relies on Pinder for such a teaching. However, Applicants note that this reference, Pinder, does not, in fact, disclose this subject matter, notwithstanding the statements of the Examiner to the contrary.

In detail the Office Action states that Pinder teaches a technique called "packet stuffing," which is a technique used to **fill unused or excess capacity** by inserting all ones (1), all zeros (0), or pseudo-random 1's and 0's. The objective of this packet stuffing is to maintain a fixed bit rate. Accordingly, Pinder discloses (a) filling an unused or excess capacity space with some type of data, all ones (1), all zeros (0), or pseudo-random 1's and 0's, and (b) filling this space with the objective of maintaining a fixed bit rate.

As noted above, claim 1 recites data packs designated to store additional data related to the audio data, wherein at least one of the data packs **does not include the additional data**. In other words, at least one of the data packs is empty. Contrary to independent claim 1, Pinder stuffs any unused space or excess capacity with data in order to maintain a fixed bit rate.

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C.

§103(a) should be withdrawn because neither <u>Tanaka</u> nor <u>Pinder</u>, whether taken singly or combined teach or suggest each feature of independent claim 1.

Furthermore, Applicants respectfully assert that dependent claims 2-7 are allowable at least because of their dependence from claim 1, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 2-7 also distinguish over the prior art.

Regarding the rejection of independent claim 16, it is noted that independent claim 16 recites a reproducing method of reproducing data from a recording medium, wherein audio data is recorded in predetermined recording units and additional data related to the audio data is recorded in a predetermined location in the corresponding recording units of the audio data, the reproducing method comprising, amongst other novel features, wherein at least one of the data packs does not include the additional data.

As noted above, the Office Action recognizes that <u>Tanaka</u> fails to teach the feature of "wherein at least one of the data packs does not include the additional data," and relies on <u>Pinder</u> for such a teaching. However, as also noted above, <u>Pinder</u> does not, disclose this subject matter. In detail <u>Pinder</u> teaches "packet stuffing," which is a technique used to **fill unused or excess capacity** by inserting all ones (1), all zeros (0), or pseudo-random 1's and 0's.

Accordingly, Applicants respectfully assert that the rejection of claim 16 under 35 U.S.C. §103(a) should be withdrawn because neither <u>Tanaka</u> nor <u>Pinder</u>, whether taken singly or combined teach or suggest each feature of independent claim 16.

Furthermore, Applicants respectfully assert that dependent claims 17-22 are allowable at least because of their dependence from claim 16, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 17-22 also distinguish over the prior art.

Regarding the rejection of independent claim 48, it is noted that independent claim 16 recites a method of reproducing audio data and additional data relating to the audio data which are recorded separately or independently in same ones of predetermined recording units, the method comprising, amongst other novel features, demultiplexing the predetermined units to

separate the audio data from data packs, wherein at least one of the data packs does not include the additional data.

As noted above, the Office Action recognizes that Tanaka fails to teach the feature of "wherein at least one of the data packs does not include the additional data," and relies on Pinder for such a teaching. However, as also noted above, Pinder does not, disclose this subject matter. In detail Pinder teaches "packet stuffing," which is a technique used to **fill unused or excess capacity** by inserting all ones (1), all zeros (0), or pseudo-random 1's and 0's.

Accordingly, Applicants respectfully assert that the rejection of claim 48 under 35 U.S.C. §103(a) should be withdrawn because neither Tanaka nor Pinder, whether taken singly or combined teach or suggest each feature of independent claim 48.

Furthermore, Applicants respectfully assert that dependent claim 49 is allowable at least because of its dependence from claim 48, and because it includes additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claim 48 also distinguishes over the prior art.

Claims 8, 23, 30-33, and 51 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Pinder as applied to claims 1 and 16 above, and further in view of Ema et al. (U.S. Patent No. 6,343,055).

Regarding the rejection of independent claim 30, it is noted that claim 30 recites a reproducing apparatus for reproducing data from a recording medium, wherein audio data is recorded in predetermined recording units and additional data related to the audio data is recorded in a predetermined location in the recording unit of the audio data, the reproducing apparatus comprising, amongst other novel features, an RTI signal processor decoding RTI packs demultiplexed by the demultiplexor, wherein at least one of the RTI **packs does not include the additional data**.

The Office Action fails to address this feature of independent claim 30, and furthermore, as noted above, Tanaka fails to teach or suggest the feature of "wherein at least one of the data packs does not include the additional data," which is similar to the feature recited in claim 30. Additionally, Pinder fails to cure such deficiency.

Ema is relied for a teaching of a music reproducing apparatus and also fails to teach or

suggest that at least one of the RTI **packs does not include the additional data**.

Accordingly, Applicants respectfully assert that the rejection of claim 30 under 35 U.S.C. §103(a) should be withdrawn because neither Tanaka nor Pinder nor Ema, whether taken singly or combined teach or suggest each feature of independent claim 30.

Furthermore, Applicants respectfully assert that dependent claims 31-33 are allowable at least because of their dependence from claim 30, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 31-33 also distinguish over the prior art.

Regarding the rejection of independent claim 51, it is noted that claim 51 recites a reproducing apparatus for reproducing data from a recording medium, wherein the recording medium has recording units each having audio packs and real-time text information (RTI) packs disposed at predetermined locations in each of the recording units, the reproducing apparatus comprising, amongst other novel features, an RTI processor decoding additional data related to the audio data in the corresponding recording unit and which is in the RTI packs demultiplexed by the demultiplexor, wherein at least one of the RTI **packs does not include the additional data**.

The Office Action also fails to address this feature of independent claim 51, and furthermore, as noted above, neither Tanaka nor Pinder teach or suggest the feature of "wherein at least one of the data packs does not include the additional data," which is similar to the feature recited in claim 51.

Ema is relied for a teaching of a music reproducing apparatus and also fails to teach or suggest that at least one of the RTI **packs does not include the additional data**.

Accordingly, Applicants respectfully assert that the rejection of claim 51 under 35 U.S.C. §103(a) should be withdrawn because neither Tanaka nor Pinder nor Ema, whether taken singly or combined teach or suggest each feature of independent claim 51.

Regarding the rejections of dependent claims 8 and 23, it is asserted that dependent claims 8 and 23 are allowable at least because of their dependence from claims 1 and 16, respectively, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 8 and 23 also distinguish over the

prior art.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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